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Held at Headquarters, New York,
on Thursday, 26 January 1995, at 10 a.m.

Chairperson: Ms. CORTI

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The meeting was called to order at 10.15 a.m.

ORGANIZATION OF WORK

1. The CHAIRPERSON said that she had received a letter from the Permanent Mission of Argentina to the United Nations requesting that the presentation of Argentina's second periodic report, scheduled for 30 January 1995, be postponed to the following session. If she heard no objections, she would take it that the Committee agreed to that request.

2. It was so decided.

3. Ms. SINEGIORGIS recalled that at a previous meeting, the Chairperson had read out a letter from the Spanish Government inviting the Committee to hold a special session in Madrid in April 1995. As required, the Committee had consulted the Secretary-General regarding that invitation, and had been promised a reply from the Secretariat. She wished to know whether that reply had been received; if not, perhaps the Chairperson could request the Secretariat to transmit its reply as soon as possible, preferably at the next meeting.

4. The CHAIRPERSON said that no reply had as yet been received. She would convey the previous speaker's request to the Assistant Director of the Division for the Advancement of Women.

5. Following a report by Ms. Abaka on the work of the Subcommission on Prevention of Discrimination and Protection of Minorities, the CHAIRPERSON said that the work of that Subcommission was relevant to CEDAW.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 18 OF THE CONVENTION (continued)

Combined initial and second periodic reports of Tunisia (continued) (CEDAW/C/TUN/1-2)

6. At the invitation of the Chairperson, Ms. Mezhoud (Tunisia) took a place at the Committee table.

7. Ms. MEZHOUD (Tunisia), replying to questions raised during the debate, said that while political life in her country, as in every other part of the world, was still dominated by men, women's participation in public affairs was now a reality, albeit a limited one. Even the rise of extremist movements, with their demands for women to withdraw from public activity, had not brought to a halt the policy of women's emancipation. That policy stemmed from a belief in human beings as the agent and object of political action. Because of that belief, her country had been able to pursue its goal of balanced and harmonious development, while avoiding the upheavals which had accompanied the transition to democracy nearly everywhere else.

8. While full participation by women remained a distant goal, the steps taken by the President of the Republic in 1992 had given a positive impetus to the

movement to integrate women into all spheres of public life. The fact that women had turned out to vote in massive numbers in the most recent legislative and presidential elections pointed to their increased awareness of the importance of taking part in decision-making at all levels. The same trend had been evident in the significant growth in the number of women candidates and officeholders. If such gains were to be maintained and increased, women themselves must display political will and remain mobilized.

9. One difficult issue with which her country was grappling was whether those who opposed women's rights and human rights should be allowed to make use of democratic institutions to further their aims. Her Government's response to that question was that there could be no half measures where human rights were concerned and that human rights must include women's rights. The terrorists who denied women's rights and freedom of conscience and called for physical reprisals against their opponents were the sworn enemies of human freedoms. Rather than defending them, a democratic society must defend itself against them.

10. While women's rights could not be addressed only in the context of the family, those rights could not be exercised fully if women were bound by laws which relegated them to an inferior status and kept them in a state of complete dependency. Tunisia's success in emancipating women was due in part to the adoption of the Personal Status Code which had laid the groundwork for a new family structure based on legal equality.

11. Concerning the reservations which her country had made to the Convention, it should be noted that Tunisia had made no reservations to the many other conventions on the status of women which it had ratified. The Convention had been ratified in 1985 in a sociopolitical context marked by the rise of fundamentalism. The reservations, especially the general declaration on article 15, in no way diminished her Government's commitment to the Convention, they merely reflected the desire of Tunisian legislators to participate in the international legal order by acceding to the Convention and, at the same time, not to overlook the specific features of domestic law.

12. It should also be borne in mind that the amendments introduced by the President of the Republic to certain articles of the Personal Status Code, the Labour Code, the Criminal Code and the Code of Nationality dealt with matters which had been the subject of reservations. Those reforms had substantially enhanced the status of women within the family by abolishing the statutory obligation of obedience, granting new rights to mothers in respect of custody of their children, and enabling Tunisian women married to aliens to transmit their nationality to their children born outside the country. They were a good indication that Tunisia was progressing, slowly but surely, towards equality between men and women and that its reservations would be lifted in the near future.

13. Turning to article 5 and the question of violence against women, she said that the issue had only recently come to the fore, since traditionally it had been looked upon as being of no great importance, including by the victims themselves, and had rarely, if ever, been reported to the authorities. Nevertheless, in 1991 the Islamic Union of Tunisian Women (UNFT) had carried out

a study of the main causes of domestic violence, showing that it was linked to sex-role stereotypes such as those embodied in article 23 of the Personal Status Code. That article had since been amended and now provided for mutual respect between husband and wife.

14. The Tunisian Women's Association for Democracy (ATFD) had organized a Maghreb seminar on violence against women in April 1994 and had set up a unit to provide support to battered women. The results of its work would be covered in the next report.

15. The statistics available on rape and sexual harassment were unreliable because, as a rule, victims did not complain to the authorities. In general, violence against women outside the home was rare.

16. The legislature had taken steps to combat violence against women through reforms of the Criminal Code, some of which were described in the report. Other measures had been adopted at the institutional level, such as the creation of the post of family judge, the establishment of defence and social integration centres and the setting up of focal points within governmental departments.

17. In terms of raising public awareness of the problem, a new television channel had been established which presented programmes targeted to young people aged 8 to 18. The Centre for Research, Documentation and Information on Women (CREDIF) had issued an illustrated booklet explaining the provisions of the Convention and intended for students at the primary and secondary levels.

18. Replying to the allegation that women belonging to fundamentalist groups had been subjected to violence by the authorities, she said that Tunisia was a State governed by the rule of law and was firmly committed to democracy and human rights. The activities of fundamentalist groups were illegal because the law governing political parties prohibited the use of religion for political ends. The State was responsible for ensuring the safety of all citizens; it also had an obligation to prevent excesses in law enforcement. All police officers who had been found guilty of irregularities had been punished. Nevertheless, it should be noted that the allegation in question had been made two years previously and that her Government had already replied to it on several occasions.

19. With regard to article 6 and prostitution, regulated prostitution had not been banned because it helped to limit clandestine prostitution. Those who profited from clandestine prostitution were subject to severe penalties. Moreover, regulated prostitution had decreased significantly as a result of the improvement in living standards, the gradual eradication of poverty and the entry of women into the labour market. Currently, only 68 women were registered as "legal prostitutes" in Tunis. The authorities had established compulsory medical check-ups aimed at preventing sexually transmitted diseases and acquired immunodeficiency syndrome (AIDS). To date, no cases of AIDS had been reported among "legal prostitutes".

20. Child prostitution was strictly prohibited; juvenile judges had jurisdiction in that area and could place a minor suspected of prostitution in a

rehabilitation centre. The programmes at such centres focused on literacy, general education and vocational training.

21. With regard to article 7 and policies to benefit women at the regional level, in July 1994 the Ministry for Women and the Family, with technical support from the World Bank, had set up a unit to assess the impact of development projects on the status of women. During 1995, which had been declared the National Rural Women's Year, the Ministry also intended to draw up a plan of action to benefit rural women.

22. As to whether or not the Government's efforts on behalf of women had encountered resistance from men, while some initial resistance was to be expected, it generally dissipated in the light of women's demonstrated competence and dedication. In the recent elections to the Central Committee of the majority party, the Rassemblement Constitutionnel Démocratique (RCD), a woman had won the largest number of votes, which showed that attitudes were beginning to change. Moreover, in the latest elections to the grass-roots structure of RCD, women had mobilized in support of women candidates, of whom some 66 per cent had been elected, representing a notable increase.

23. To maintain those political gains, efforts were under way to promote women's organizations, conduct awareness campaigns and secure greater participation in the forthcoming municipal elections. While there were still large disparities in the political domain, women had strong grass-roots presence which should make it possible to improve their access to high-level political positions. In trade unions, women's participation was also largely restricted to the rank and file, but recent developments suggested that the presence of women in decision-making would increase.

24. Recent legislative changes had made it possible for Tunisian women married to foreigners and giving birth to children abroad to transmit their nationality by means of a simple declaration by both parents. That legislative change should make it possible for Tunisia to withdraw its reservation to article 9.

25. Commenting on article 10, she said that the gap between girls and boys was diminishing at all levels of education. For example, in primary education the attendance rate for girls had been 82 per cent in 1993, compared with 88.7 per cent for boys, whereas in 1981 it had been 66 per cent for girls compared with 84 per cent for boys. Girls had accounted for 47 per cent of pupils in secondary education in 1992, as compared with 32 per cent in 1975. The numbers of women in tertiary education had also increased at an average annual rate of 13 per cent since independence, compared with 9 per cent for men.

26. Drop-out rates for girls were diminishing; in fact, at the primary and secondary levels, drop-out rates were currently lower for girls than for boys. A number of studies had identified socio-economic and cultural factors as the main reasons why girls dropped out of school. As a result, a number of changes had been instituted, including compulsory school attendance for all children from 6 to 16 years of age. The need to promote equality of opportunity between boys and girls in both urban and rural areas had become a guiding principle for educational planning and the development of educational infrastructure. In particular, the completion of various rural infrastructure projects, including

the provision of educational facilities, would improve enrolment rates for girls in rural areas.

27. Some academic areas were more popular than others among girls. For instance, among baccalaureate students, girls accounted for 59 per cent of arts students, as compared with 43 per cent of mathematics and science students. Those choices reflected the persistence of gender stereotypes in the labour market. During the current academic year, educational reforms were being introduced which should encourage girls to move away from the arts at the baccalaureate level, notably by the introduction of an economics and management option. Other measures to encourage girls to take a greater interest in scientific and technical education included seminars for policy makers and school guidance counsellors, information campaigns, the training of academic guidance staff, and a pilot project offering girls various incentives to follow technical courses.

28. Participation by women in educational decision-making remained limited, although women had recently been appointed to several high-level posts. In an effort to combat stereotypes, school textbooks were being rewritten to eliminate material which discriminated against women, and civic education curricula now included education in national and international law designed to inculcate the principle of equality.

29. Illiteracy remained a problem for women, largely because, until recently, school attendance rates for girls had been low. As school attendance rates improved, female illiteracy was expected to drop. In the meantime, a national literacy campaign was being conducted among women aged 15 to 29, with the aim of reducing the illiteracy rate in that group from 19 to 10 per cent by 1996. Attention would primarily focus on disadvantaged rural areas.

30. Concerning article 11, a number of studies had demonstrated the importance of the informal sector, and the role played by women in it, for the national economy. A fund was to be established to assist small-scale rural enterprises and a publicity campaign on the family economy was to be conducted with a view, inter alia, to making women aware of the availability of credit. New occupational training opportunities would expand the options available to women in non-traditional areas. Rural training centres had been upgraded to provide, in addition to literacy courses, management training for girls to set up their own businesses. Additional measures would be taken once the results of the April 1994 national census had been analysed. She noted that the contention by fundamentalists that efforts to advance the status of women had led to increased mental health problems among the female population was pure propaganda and devoid of any statistical foundation.

31. With regard to article 12, abortion had been available under certain conditions since 1965. Access to abortion services was not conditional upon the number of living children, but was based on medical grounds.

32. With respect to Tunisia's declaration in connection with article 15 regarding choice of residence and domicile, under the Constitution, Tunisian women, like Tunisian men, were free to choose their place of residence. While married women previously had an obligation of cohabitation, the requirement of

obedience had been repealed by means of an amendment to article 23 of the Personal Status Code, thereby giving women the possibility of refusing cohabitation. A woman's free choice of residence and domicile might, however, be limited by the need to protect the rights of a child of which she had custody, since the child's rights were the overriding concern.

33. In connection with article 16, she noted that before Tunisia's independence in 1956, there had been three different legal systems, applicable to Muslims, Jews and French nationals respectively. Following independence, a unified approach had been adopted which made no distinction on grounds of religious belief. The Personal Status Code, which had originally applied only to Muslims, had been extended to all Tunisians, and religious courts had been abolished. As a result, a single Family Code had been in force since 1956. One of its major provisions had been the prohibition of polygamy, which was subject to criminal penalties. Legal procedures had been introduced to formalize monogamous marriages and prohibit traditional marriages and free unions, in order to prevent the latter from being used to circumvent the law. Legal safeguards had nevertheless been established for children born of illegal unions.

34. In keeping with evolving attitudes, Tunisian law had gradually come to stipulate a minimum marriage age of 17 for women and 20 for men. The evolution of attitudes was also reflected in a noticeable rise in the average age at marriage, which was currently 25.7 years for women. Although Tunisia had ratified the International Convention on Consent to Marriage, marriages to non-Muslims were not recognized unless the non-Muslim converted to Islam. However, many such mixed marriages took place following the issuance of a certificate of conversion by the religious authorities.

35. With regard to property acquired by spouses during their marriage, Tunisian law followed classical Islamic law in allowing each spouse exclusive control over his or her property and in holding each spouse responsible for his or her personal debts. Prospective spouses could agree to hold property acquired during the marriage on a communal basis. That option was rarely applied, but the Ministry for Women and the Family was seeking to publicize it as part of the campaign to inform women of their legal rights.

36. Turning to the system of inheritance, she said that Tunisian law drew directly on the Koranic rule that the man was entitled to twice the woman's share each time they inherited from a relative to whom they were related to the same degree. That inequity would eventually be surmounted as society evolved and legislators availed themselves of aspects of Islamic practice that permitted movement in that direction. Already, daughters and granddaughters had benefited from a 1959 law which barred paternal uncles and their descendants from inheriting through the paternal line.

37. With regard to the place of women in the family as wives and mothers, she said that the recent amendment to article 23 of the Personal Status Code had introduced a new concept of the family, based on mutual respect, reciprocity and cooperation. That amendment maintained the husband's position as head of household, and with it his duty to support his wife, since women were not yet able to assume full economic responsibility for themselves. However, as women continued to make progress in all areas, they would eventually be able to take

full economic responsibility for themselves and the husband's role as economic provider, which legitimized his position as head of the family, would gradually diminish.

38. Another recent legislative reform had granted mothers certain custody rights in the event of divorce, as well as full custody in cases of neglect, abuse, absence or incapacity of the father. Such rights had previously been available to mothers only in cases of death or incapacity of the father.

39. In the area of children's rights, Tunisia had ratified the International Convention on the Rights of the Child with reservations, but was about to adopt a Children's Code that would take account of the recommendations of that Convention and of other international conventions that had a bearing on children.

40. Ms. SCHOPP-SCHILLING said that she was impressed by the Government's efforts to integrate women's issues into the plans of as many ministries as possible, as well as by the measures taken to improve education and pursue legal reforms. She stressed the importance of attaining a "critical mass" of women in important posts and urged the Government not to stop at a few token appointments.

41. Ms. KHAN expressed appreciation for Tunisia's efforts to deal with the use of fundamentalism and noted that, although women had achieved very high positions in her own country, they were generally very limited in their political and public roles. She asked whether Tunisia had ever considered bringing issues of women's equality before the Organization of the Islamic Conference (OIC), as that body had also condemned fundamentalism. She also requested further clarification of the measures taken by Tunisia under article 13 (c) in the context of Islamic inheritance customs, and urged the Government to establish equal inheritance rights.

42. Ms. MAKINEN also expressed appreciation for Tunisia's comprehensive, informative replies to members' questions. She hoped that Tunisia would have withdrawn its reservations to the Convention by the time it submitted its next report to the Committee.

43. Ms. Mezhoud (Tunisia) withdrew.

Combined initial and second periodic reports of Uganda (continued)
(CEDAW/C/UGA/1-2 and Add.1)

44. At the invitation of the Chairperson, Mr. Opoka and Ms. Oguli-Oumo (Uganda) took places at the Committee table.

45. Mr. OPOKA expressed his Government's appreciation for the comments made by Committee members on Uganda's initial and second periodic reports. As a developing country, Uganda faced a number of economic obstacles to the implementation of the Convention. The Government had been forced to reduce social spending, and that had severely affected vulnerable groups, especially women. Information on those effects would be included in the Government's next report.

46. With regard to article 2, he said that Uganda's commitment to the elimination of institutionalized discrimination against women was reflected in its draft Constitution, which provided that men and women were equal under the law in all spheres of political, economic, social and cultural life. The Constitution's use of the pronoun "he" to denote both men and women was being addressed in the new draft Constitution, which referred specifically to both men and women, especially regarding such critical issues as equality before the law, fundamental human rights and other constitutional rights.

47. The Government had taken measures to address the difficulty of prosecuting rape offenders. The findings of a study on the problem of non-prosecution, carried out by the Ministry of Gender and Community Development, were being forwarded to the relevant institutions for action, and the Ministry was also engaged in programmes to sensitize law enforcement officers to the problem of rape. The Law Reform Commission was looking into the controversy on a possible death penalty for rape offenders. Gender-responsive law reform was high on the agenda of that Commission, whose three members included one woman.

48. He assured the Committee that individuals and organizations, including women's NGOs, had been involved in the process of drafting a new Constitution, as well as in the amendement of legislation. NGOs could forward their recommendations directly to the Law Reform Commission, or through the Ministry of Gender and Community Development, for presentation to Parliament by the Minister.

49. Despite a lack of gender-specific data, the Office of the Inspector-General of Government on Discrimination against Women had assisted a number of women. The Constituent Assembly was also considering the establishment of an Equal Opportunities Commission, among other constitutional bodies.

50. The absence of a unified system for the compilation of rape statistics made it difficult to assess the extent of the problem in Uganda; besides, many incidents of rape went unreported and were dealt with out of court.

51. With regard to articles 3, 4 and 5, he said that legal aid was provided to women by several agencies, including the Uganda Law Society and the legal department of the Ministry of Gender and Community Development. The Government was also in the process of reforming the law on domestic relations in line with international and regional instruments on the status of women, with specific attention to the issue of domestic violence. The Ministry was conducting legal education and sensitization activities on that problem, in conjunction with local NGOs.

52. Regarding article 6, amendments to the Penal Code called for the prosecution of both parties involved in acts of prostitution. The age limit for statutory rape had been raised from 14 to 18 years. While prostitution in Uganda was not highly organized on a commercial level, trafficking in women remained a crime under Ugandan law. The Government welcomed the Committee's recommendations for programmes to decrease the extent of prostitution and would provide further information on such initiatives in its next report.

53. With regard to article 9, the existing legal bias against Ugandan women married to foreigners transmitting their citizenship to spouses and children was being addressed in the draft Constitution, clause 43 (2) (a) of which provided that every person married to a Ugandan citizen could apply to be registered as a citizen as a result of a legal and subsisting marriage of at least three years' standing. The draft Constitution further provided that men and women had equal rights at and during marriage and at its dissolution. It would also address the problems currently experienced by Ugandan married women regarding passports and travel documents. As for discrimination against girl children born out of wedlock, the legal position was that all children born out of wedlock were entitled to inherit equally from their parents.

54. With regard to article 10, the Government had noted the Committee's concern that the provision of education by private institutions was open to abuse, although there was legislation governing such institutions. The next report would give further details on that matter, as well as on the steps taken to address the problem of households headed by school-age girls. With reference to the high drop-out rate for girls as a result of early pregnancy, family life education, including sex education, was being incorporated into the school curriculum. Both the Government and NGOs ran adult education and functional literacy programmes which targeted men and women who had not had the opportunity to acquire a formal education. Statistics showed that the majority of those attending such programmes were women. Specific statistics would be included in the next report.

55. By the year 2003, universal primary education would be compulsory. The Government intended to pursue a policy of gradually transforming the current education system so that primary education would become government-aided and the costs of university and other forms of tertiary education would be shared. Currently, the minimum entry age for primary school was six years.

56. Turning to article 12, it was difficult to obtain statistics on the number of women who died as a result of abortions. However, hospital statistics indicated that in 1992, induced abortions had been a factor in one third of maternal deaths. The legal position on abortion was that two doctors could carry out an abortion if they agreed that it was for the sake of the woman's health.

57. Whereas it was possible to give statistics on the ratio of men to women infected with HIV/AIDS, it was more difficult to obtain figures on the number of people dying of AIDS. Updated statistics on the incidence of AIDS in Uganda were included in the addendum to the report. Government programmes to combat the spread of AIDS currently covered 90 per cent of the population and targeted all members of society, but changing people's sexual behaviour would take some time. Information was given on the use of condoms, but obtaining them was a major problem. The Government had not passed legislation banning polygamous marriages, but the new law on domestic relations would address polygamy in relation to the spread of AIDS.

58. There were several tribes in Uganda and each had different customs on issues affecting women. It was government policy to discourage customs which had a negative impact on women. The draft Constitution prohibited any custom

that was contrary to the fundamental human rights provided for in the Constitution. That should help to discourage female circumcision. The Government was carrying out sensitization programmes on female circumcision and other retrogressive customary practices.

59. Turning to article 14, the provision of the draft Constitution on equality of men and women at and during marriage and at its dissolution was intended to address the double standards that existed regarding adultery and divorce. The Ministry of Gender and Community Development was carrying out a research project on women and inheritance in order to make recommendations for amending existing laws. Women's inheritance rights were currently protected by the Administrator General's Act, the Succession Act and criminal law. The Government was raising women's awareness of the existence of those provisions.

60. The CHAIRPERSON said she hoped that more details would be given in Uganda's next report on the Government's policy for implementing the Convention fully. She was glad to hear that any custom which violated human rights would be prohibited by the new Constitution. She hoped that all of women's fundamental human rights would be respected.

61. Ms. AOUIJ said that a revision of the Constitution, such as that currently being undertaken in Uganda, provided a unique opportunity which should be seized by all women's movements to ensure that the fundamental principle of women's equality was enunciated in the new Constitution.

62. Ms. SCHOPP-SCHILLING said that she would appreciate further details on the projected legal reform to integrate customary and statutory law on domestic relations.

63. Ms. OUEDRAOGO said that legal reform was an important first step, but that its effective application must be monitored.

64. Ms. BERNARD welcomed the reform of the Constitution and said that the question of citizenship was particularly important. The political will shown and the efforts made by the Government to improve the position of women were commendable.

65. Ms. SATO said she hoped that the Government would take further measures to promote the equality of women.

66. The CHAIRPERSON said she hoped that the Government would use the Committee and its recommendations to support its reform of the Constitution.

67. Ms. OGULI-OUMO (Uganda), replying to the question on the integration of customary and statutory law, said that the existence of three different acts regulating different forms of marriage created many contradictions and many opportunities for breaking the law. The law currently being drafted sought to codify those different acts and to apply the same standards to all types of marriage.

The meeting rose at 1.10 p.m.